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1. **COURT APPEARANCES**

A. **Notification of Court Appearance Request**

- (1) Employees will attend court or other quasi-judicial hearings, such as Motor Vehicle Division (MVD) hearings, when notified to do so.
- (2) Employees may be notified of a required court or other quasi-judicial proceeding by subpoena, hearing notice, magistrate, or prosecutor.
- (3) Supervisors will review all subpoenas with their employees on a weekly basis during briefing.
 - For work units that do not hold briefings, supervisors will conduct the weekly subpoena review anytime during their regularly scheduled work week.

EXCEPTION: Laboratory Services Bureau (LSB) supervisors are exempt from the weekly subpoena review.

- B. **Confirmation of Court Appearances** - Employees will confirm the necessity of attending court or quasi-judicial hearings by complying with the instructions on the subpoena and the information in this order.

(1) Justice Court/Superior Court Subpoenas (Including Juvenile Division)	• Employees will comply with confirmation instructions on the subpoena. • If the subpoena does not contain confirmation instructions, employees will be responsible for contacting the court the afternoon or morning prior to the scheduled appearance to confirm the necessity to attend court. • Officers may contact Juvenile Court Center (JCC) Intake after normal business hours to confirm court for the following day. If officers are advised they are not on the calendar, the intake officer will be asked to verify the information via computer.
(2) City Court Subpoenas	<u>NOTE:</u> See section 4.D of this order for further instructions. <u>General Information</u> • Employees will normally be subpoenaed into City Court by computer notification lists, which will be honored as any other subpoena. • Employees subpoenaed into City Court by an individually issued subpoena will comply with confirmation instructions on the subpoena. <u>Morning Appearances</u> • Verification will be made by calling the Court Services Detail between 1600 hours and 1630 hours on the day before the scheduled appearance or after 0700 hours on the day of the scheduled appearance. • The Information Desk may be contacted between 1700 hours to 0630 hours, to verify the need for morning City Court. <u>Afternoon Appearances</u> • Verification will be made by calling the Court Services Detail on the morning of the scheduled appearance.
(3) Police Officer Hearing Notices Executive Hearing Office 602-255-7737	• MVD issues Police Officer Hearing Notices to request the presence of Department employees at Implied Consent Hearings and will be obeyed as if they were subpoenas. • Employees will comply with confirmation instructions on Police Officer Hearing Notices. • When employees are unable to appear as requested, they will notify MVD as soon as possible. • Officers will submit court information and leave schedules, when requested, to ensure the MVD hearing can be scheduled so as not to conflict with any other situations.

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1. C. Personal Appearance of Employees Attending Court

- (1) When appearing in court in a capacity related to official duties, employees will wear either the official uniform or plain clothes conforming to the standards outlined in the uniform policies.
 - This does not include apparel worn in undercover assignments.
- (2) Employees will present a neat and clean appearance.
- (3) When appearing in court as litigants or witnesses in personal matters not related to official duties, such as divorce or child custody hearings; no identifiable part of the uniform will be worn.

D. Court Sign-In Procedures

- (1) **ALL** employees appearing in City Court will use the City Court Attendance Tracking System on the computer terminal, located in the officer's waiting room in the basement of the Court building, in order to sign in and out of court.
 - This procedure will be followed whether the employee is **on or off duty**.
- (2) Employees will enter their serial number in the field provided on the City Court's Check-in/Check-out screen and click the "check-in" icon upon their arrival at court.
- (3) Employees will enter the courtroom number/s in which they will be appearing.
- (4) Any time employees are not in a particular courtroom as entered in the City Court Attendance Tracking System; they will remain in the waiting room and inform the Court Services Detail of their location.
- (5) Once employees are dismissed from court, they will log out of the City Court Attendance Tracking System by entering their serial number into the computer terminal and clicking the "check-out" icon before leaving the Court building.

E. Employee Conduct in Court

- (1) Employees will be on time for court sessions.
- (2) Employees will avoid any mannerisms that might imply disrespect to the Court or bring discredit to the Department.
- (3) Employees will remain in the courtroom while Court is in session, unless otherwise directed by the Court, giving their undivided attention and respect.
- (4) Employees will not smoke, indulge in private conversations while Court is in session, loiter, or make unnecessary noise in the hallways or waiting room of the Court building.
- (5) Employees will have cases properly prepared for prosecution and be responsible for obtaining related evidence from the Property Management Unit (PMU) for presentation to the court.
- (6) On duty employees will not linger in Court when it becomes apparent there will be a lengthy delay in the proceedings and the employee's presence is not required, such as extended lunch recesses.
 - Employees will return to service during such periods, if practical.

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1. F. Access to Traffic Court Bailiff Areas

- (1) Employees will not enter or remain in bailiffs' rooms at City Traffic Court unless directed to do so by court staff.
- (2) Employees directed into bailiffs' rooms will use assigned public seating rather than Court staff seating.
- (3) Employees will enter courtrooms only through the main public hallway.
- (4) Employees will not leave equipment in the bailiffs' area.
- (5) Employees will not review citations or files in the bailiffs' rooms.
 - This can be done in the courtroom immediately preceding the hearing.
- (6) Court telephones are for use by Court staff.
 - Employees will use the telephone in the police lounge or the pay telephone in the Court lobby.

G. Testifying

- (1) Employees will be truthful at all times while under oath.
- (2) Testifying for the Defendant
 - (a) Employees subpoenaed or otherwise requested to testify or give a deposition for the defense or plaintiff in any action against or involving the City or any government entity, will notify their supervisor by memorandum upon receipt of the subpoena or request.
 - (b) The memorandum will include:
 - Date and time of appearance
 - Type of court and trial, such as civil, criminal, or traffic
 - Name of person on whose behalf the employee is to appear
 - Whether subpoenaed or requested due to knowledge of the case or as an expert witness
 - (c) The memorandum will be forwarded to the Legal Unit.

H. Supervisor Verification of Employee Court Attendance

- (1) Supervisors will conduct a weekly City Court attendance verification by accessing the City Court Attendance report on [PolicePoint](#).

EXCEPTION: LSB supervisors are exempt from the weekly City Court attendance verifications.

- (2) To access the City Court Attendance report on [PolicePoint](#), follow the below steps:
 - (a) From the Home page, click on the Resources tab at the top of the page and select Report Center from the drop-down menu.
 - (b) Under the Administrative Reports section on the upper left side of the page, click on "City Court Attendance".
 - (c) Enter all pertinent information in the fields provided and click "View Report".

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1. H. (3) Supervisors will document on the supervisor's copy of the City Court Computer Notification List whether or not the employee was on the City Court Attendance report for his/her scheduled Court appearance.

- If the employee was scheduled for Court but was not on the City Court Attendance report, supervisors will conduct follow-up to determine if the employee did not sign in/out of the City Court Attendance Tracking System.

* Appropriate action will be taken based on the supervisor's findings.

2. **CARRYING WEAPONS IN COURT**

A. Phoenix Municipal Court

- (1) For the safety and protection of police employees, victims, witnesses, spectators, judges, and Court personnel, officers may carry their primary weapon while attending a City Court proceeding.

EXCEPTION: At the request of the Court in a jury trial, officers will conceal their weapon to preclude claims the jury was intimidated by the visible presence of a weapon.

- (2) Armed, non-uniformed officers and plainclothes detectives entering the Court complex will wear a clearly visible, Department-approved identification card or flat badge at all times while in the Court complex. All officers will show their commission card and badge to Court security upon entering the Court complex.
- (3) Armed undercover officers will display their Department-approved identification card and badge to the security guard posted at the metal detector; thereafter, they are not required to visibly display their flat badge while in the Court complex.

B. Superior Court

- (1) Officers in uniform or with visibly displayed law enforcement identification who appear in Court as a witness pursuant to a subpoena issued in accordance with the officer's official duties, or for official business such as seeking a search warrant, may keep possession of their weapons in the courthouse unless they are attending Court for any of following:
 - Family court case (child custody, divorce actions, etc.)
 - Criminal case (as a defendant)
 - Order of protection (either as a defendant or plaintiff)
 - Injunction against harassment (either as a defendant or plaintiff)
 - Eviction proceeding
 - Pre-disciplinary or disciplinary proceedings under which [ARS 38-1101](#) applies (internal interviews an employer believes could result in dismissal, demotion, or suspension)
 - A party to any case (officer subject to civil litigation, jury duty, etc.)
- (2) An officer who is not readily identifiable as a law enforcement officer, either by reason of uniform or a visible display of law enforcement identification, **will not** bring a weapon into the courthouse.
- (3) Officers **will not** by-pass security sign-in, check-in, or screening by showing a police identification badge.
- (4) Officers will follow the policy of each Judge as to whether weapons may be brought into a particular courtroom or placed in a gun locker prior to entering a courtroom.
- (5) Officers on personal business may not retain their weapon or bypass security screening.

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2. B. (6) The Court may suspend or terminate by-pass privileges for any police department which has an officer violate Maricopa County Superior Court Administrative Order No. [2013-165](#) policy.

- (7) When an officer is escorting a protected witness to Court, the court will be informed, and the officer may bypass the security screening station and proceed to the appropriate Court after the Court makes advance contact and arrangements with the security office.

- (8) When an officer receives an emergency radio request for service to Superior Court:

- The radio supervisor will contact Maricopa County Sheriff's Office (MCSO) dispatch by telephone to advise them of the request.
- MCSO dispatch will be responsible for notification of MCSO personnel assigned to Superior Court and the Superior Court Security Office, allowing Phoenix officers appropriate passage through the security screening station.

C. Federal Courthouses

(1) Weapons in the Courthouse

- (a) Officers are prohibited from carrying their firearm into the Sandra Day O'Connor Federal Courthouse.
- Only U.S. Marshals are authorized to carry firearms in the Federal Courthouse.
- (b) Officers will enter through the public entrance and secure their firearms in gun lockers which are provided at the main entrance.
- (c) Officers will pass through the magnetometer and continue to their destination.
- (d) Officers with prisoner/s will enter the Federal Courthouse through the basement at the Washington Street entrance and park in the sally port.
- Officers will secure their firearms in gun lockers located in the sally port prior to removing their prisoner/s from their vehicle.
- (e) Officers responding to an emergency situation, will be allowed to retain their firearms when entering the Federal Courthouse, but may be escorted by security staff and/or U.S. Marshals.

3. **EMPLOYEES UNABLE TO ATTEND COURT**

A. Illness or Other Emergency Situations

- (1) Subpoenaed employees who cannot attend court or quasi-judicial hearing due to an illness or other emergency situation must notify the appropriate prosecuting agency as soon as it is evident they will not be able to appear.
- Employees unable to attend City Court will contact the Court Services Detail.
- (2) Employees will provide this information to their supervisor by memorandum at the beginning of their next scheduled shift.
- Supervisors will retain the information for a period of no less than four months.
- (3) If the illness or emergency precludes the employee from making this notification, the employee's supervisor must do so.

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3. B. Employees on Industrial Leave

(1) Notification

(a) When employees are injured and placed on industrial leave for an extended period of time, they will submit the following documents to the Court Services Detail:

- Memorandum including the anticipated date when the employee will be able to appear in court
- [Court Continuance Request Form 80-87D](#)

(b) If employees are unable to complete the required documents, their immediate supervisor will be responsible for submitting the memorandum and Court Continuance Request form.

(2) Routing of Notification Paperwork - The information will be forwarded to the County Attorney and the City Prosecutor by the Court Services Detail.

(a) The prosecuting authority may request the affected cases be continued or dismissed without prejudice.

(b) Employees may, when available for appearance, request the prosecuting authority to re-file the affected cases dismissed without prejudice.

C. Employees on Authorized Leave

(1) Definition

(a) Authorized leave includes:

- Approved vacation and compensatory leave
- Approved training

(b) Authorized leave may include an employee's N-days when, in the judgment of the employee's supervisor, the reasons for requesting court leave on N-days are legitimate.

(2) [Court Continuance Request Form 80-87D](#)

(a) Employees will submit a Court Continuance Request form whenever they will not be available for court because of approved vacation, training, or other types of authorized leave.

- Employees will fill out the Court Continuance Request form completely, providing all necessary information in each applicable section.
- Employees are reminded court attendance supersedes training and they are expected to attend Court when subpoenaed.

(b) The Court Continuance Request form will be reviewed by the employee's immediate supervisor for completeness and accuracy prior to being forwarded to the Court Services Detail.

- Supervisors will review the subpoena list to determine if the employee is scheduled for Court during the requested leave.
- Leave that is requested over a scheduled "date certain" (DCJT) case will not be approved by the employee's supervisor with the exception of emergency situations.

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3. C. (2) (c) The Court Services Detail **must** receive the approved Court Continuation Request form **30 days in advance** of the requested leave.

- If employees believe the Court Continuation Request form may not be received by the Court Services Detail 30 days in advance of the leave, they may telephone the detail.
- Employees will immediately notify the Court Services Detail when incorrectly subpoenaed.

(3) Leave Requests Less Than 30 Days in Advance - City Court

- (a) Requests for City Court continuances less than thirty (30) days prior to the court date may only be requested in emergency situations or when there is a court conflict, such as Superior Court or Justice of the Peace (JP) Court, for the same date and time.

- Employees will not contact the City Prosecutor's Office to request a continuance.
- Employees will submit a Court Continuation Request form to be considered for approval by their immediate supervisor.
- A memorandum must be attached to the form detailing the emergency and will have the approval of the employee's bureau/precinct commander/administrator.
- Court Continuation Request forms submitted less than 30 days before the leave date will be considered on a case-by-case basis.

- (b) The Court Services Detail will log the request and notify the City Prosecutor's Office.

- (c) The employee will be notified by the Court Services Detail if the request is granted.

- If the employee is not notified, they are expected to appear in court.
- MVD hearings do not take precedent over any criminal court in which the employee has been subpoenaed to appear.

- (d) Continuances requested less than 30 days in advance should not be granted when the employee is scheduled for training on the same date as the subpoena.

- This applies for City Court, Superior Court, JP Court, and MVD hearings.

- (4) Leave Requests Less Than 30 Days in Advance for All Other Courts - When requesting a Superior Court, JP Court, or MVD hearing continuance less than 30 days prior to the court or hearing date, the request may be made directly to the County Attorney's Office or MVD.

4. **SUBPOENAS**

A. Employee Responsibilities

- (1) Employees will accept all subpoenas legally served and make every effort to be available at the designated time.
- (2) Suspended employees are required to testify when subpoenaed and are entitled to compensation at straight time, or overtime compensation if the subpoenaed court time by itself or combined with the employee's regular duty hours exceeds a 40 hour work week.

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4. B. City Court Computer Notification List

- (1) Designated personnel will distribute City Court computer notification lists as follows:
 - (a) The original will be placed in the squad sergeant's in-basket.
 - (b) A copy will be placed in the appropriate lieutenant's in-basket.
 - (c) The subpoenaed employee will be given a copy of the list and initial and date the original subpoena.
- (2) The City Court Computer Notification List does not require return of service.

C. Service of Criminal Subpoenas

(1) Court Services Detail Responsibilities

- (a) The Court Services Detail will accept delivery of subpoenas for service upon Department employees only if there is sufficient time prior to the date of appearance to arrange service upon the individual/s named in the subpoena.
 - Three (3) business days are considered a sufficient amount of time prior to the date of the appearance.
 - Subpoenas will be accepted for service in connection with criminal cases and MVD administrative hearings only.
 - Subpoenas for non-employees will be handled by the Judicial Process Detail.
- (b) The Court Services Detail will forward the original subpoena to the appropriate bureau/precinct for service by the employee's supervisor or, if the supervisor is not available, any Department supervisor.
- (c) In those instances where (3) business days' advance notice is not possible, or where in-person service upon the employee is requested, the Court Services Detail will provide information regarding the work site/hours of the employee to be subpoenaed.

(2) Bureau/Precinct Responsibilities - Each bureau/precinct commander/administrator will designate specific personnel as the reception point for subpoenas.

- (a) These designated personnel will be responsible for the following:
 - Receiving and distributing subpoena
 - Establishing procedures to ensure subpoenas requiring the completion of a certificate of service are served in person on the subpoenaed employee
 - Maintaining a log for individually issued original subpoenas, and after logging each subpoena, designated personnel will initial and date the subpoena
 - Ensuring subpoenaed employees receive subpoenas prior to the court date
- (b) Designated personnel will check employee duty hours to determine if the employee is scheduled to work prior to the court date.
- (c) If the subpoenaed employee is scheduled to work prior to the court date, the subpoena will be placed in the appropriate supervisor's in-basket.

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4. C. (2) (d) If the employee is not scheduled to work prior to the court date, designated personnel will make two attempts to contact the employee at the employee's residence (consideration will be given to the employee's duty hours so as not to unduly disturb the employee).

- Upon notification of the employee, the Employee Notification portion of the Subpoena Notification Form 80-220D will be completed and placed in the employee's supervisor's in-basket with the subpoena.
- If the employee cannot be contacted, an on-duty supervisor will notify the Court the employee cannot be contacted prior to the court date.
- The on-duty supervisor will complete the Court Notification Non-Attendance portion of the Subpoena Notification form and place it in the employee's supervisor's in-basket with the subpoena.

- (e) If designated personnel receive information by telephone an employee is subpoenaed for Court, they will record this information on the Subpoena Notification form and follow the procedures outlined in section (2)(d) above.

(3) Supervisor's Responsibilities

- (a) Supervisors will serve affected employee/s with the subpoena and provide copies if desired.
- (b) Following service of the subpoena, the supervisor will complete the Certificate of Service, normally located at the bottom of the subpoena, and route the original subpoena back to the Court Services Detail.
- When a supervisor finds a subpoena with an attached Subpoena Notification form, the supervisor will complete the notification for service and return the subpoena to Court Services.
 - If the subpoena is a Duces Tecum for evidence only that is not available, the supervisor will document the reason for non-service on a Subpoena Notification form and return the subpoena to Court Services.
- (c) If the employee is off duty, on a special detail, or temporary transfer and will not return to work prior to the court date, the supervisor will ensure the employee is properly notified of the impending court case.
- Supervisors will complete the Certificate of Service on the original subpoena, with a notation of how and when the employee was notified and return it to the Court Services Detail.
 - If an employee cannot be reached prior to a scheduled court appearance, the supervisor will notify the Court of the employee's absence, reflect the appropriate information on the Subpoena Notification form, and return the subpoena to The Court Services Detail.
- (d) Each bureau/precinct commander/administrator will be responsible for establishing measures to ensure subpoenas are served during a supervisor's absence.

D. Criminal Subpoenas From Other Jurisdictions (FOJ)

(1) Out of State Subpoenas

- (a) City business time may be allowed.
- (b) The requesting agency will pay for travel and lodging costs.

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4. D. (2) In State Subpoenas Outside of Maricopa County

- (a) City business time may be allowed; any overtime needed is at the discretion of the employee's assistant chief.
- (b) No city vehicle will be allowed for travel.
- (c) If there are travel related costs, the employee's supervisor will contact the Fiscal Management Bureau (FMB) administrator. The FMB administrator will contact the other agency to negotiate any shared costs.
- (d) These incidents will be reviewed on a case-by- case basis.

(3) Inside Maricopa County Subpoenas

- (a) City business time may be allowed.
- (b) City vehicles may be allowed.

(4) Documentation of Subpoenas

- (a) For all FOJ subpoenas employees will complete a memorandum regarding the subpoena which will include the following information:
 - Synopsis of the case, including the employee's involvement.
 - The number of days the employee will be required to be away from work.
 - A point of contact with the prosecuting authority.
 - Travel arrangements with transportation and lodging information.
- (b) Forward the memorandum through the chain of command for approval by the employee's division commander.

E. Civil Subpoenas

- (1) Any process server attempting to serve a subpoena that is not directed to a specific individual for a civil action will not be accepted.
- (2) All civil subpoenas naming a specific individual must be served on that individual.
 - Civil subpoenas may not be accepted by any other person.

F. Grand Jury Appearances

- (1) The Grand Jury process used in Maricopa County does not allow for notification of officers by use of a subpoena.
- (2) Notification by telephone from the County Attorney's Office regarding Grand Jury appearances are made with as much as a week's notification to as little as 12 hours.
- (3) Employees must be notified by telephone.
 - (a) Designated personnel will follow the procedures contained in the section titled "Supervisor's Responsibilities" of this order to notify officers when testimony is requested before a Grand Jury panel.
 - (b) A [Subpoena/Jury Notification Form 80-220D](#) will be completed.
- (4) Officers will accept the telephone call or message and honor it as if it were a subpoena.

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5. EMPLOYEES REQUIRED TO APPEAR AS WITNESSES

- A. Leave From Duties - Employees will normally be allowed leave from their duties without loss of pay for the time actually required to serve as a witness in answer to a subpoena or summons.

(1) Relating to Official Duties

- (a) If an employee is out of town for more than one day in response to a subpoena, and they are not listed in LOTS, then the employee will complete a Leave Request Form 80-80D.
- (b) This type of leave is permitted with pay as City business time.

(2) Not Relating to Official Duties

- (a) Employees must request leave for this witness service.
- (b) When this type of leave request is submitted, it will be the responsibility of the employee's immediate supervisor to review the subpoena, prior to granting permission.
- (c) Leaves will be granted; however, employees must take vacation time, compensatory time, or leave without pay to honor these subpoenas.

- B. Witness Service Fees - Employees receiving a fee as the result of being subpoenaed for witness service (including travel expenses and subsistence) relating to their official duties or status as a Department employee will comply with the following procedures:

- (1) Employees will complete a memorandum notifying their supervisor of their receipt of the fee and its purpose.
- The fee (cash or endorsed check) and a copy of the subpoena will be attached to the memorandum.
- (2) The supervisor will then forward the memorandum with the attachments (cash or endorsed check, subpoena, etc) to the FMB.

- C. Reimbursement for Travel - If the subpoena and fee are for an appearance outside the City relating to their official duties, involving expenses for travel, food, and lodging, the employee will comply with the procedure outlined in this section.

- (1) A memorandum will be forwarded through the proper channels to FMB two weeks in advance to receive funds for travel, food, and lodging (which will be paid in advance if necessary) from the City.
- (2) Within (3) days of their return from witness duty under these conditions, employees will submit their expense receipts for the trip and complete the necessary travel report forms at FMB.

- D. Expert Witnesses - When employees are subpoenaed into court as expert witnesses, they will be subject to the following regulations:

- (1) If the information or knowledge to be used as testimony has been gained through any investigation conducted while on duty (including any investigation performed during overtime), employees **will not** be allowed to retain any fees for testimony.
- (2) Payment of fees will be handled as directed in section 5.B of this order.

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6. DEFENSE INTERVIEWS

A. Cases Under Jurisdiction of City Prosecutor

(1) Scheduling Procedures

- (a) Employees receiving requests for defense interviews will contact the defense attorney's office by telephone or email within 24 hours of receiving the request to schedule the interview.
- (b) Employees will schedule the interview at a mutually agreed upon location, coordinating the date and time with their supervisor.
 - The interview may be conducted by telephone if approved by a supervisor and it is mutually agreeable with the attorney.
 - If the telephone call is conducted while employees are off duty, overtime is authorized pursuant to the conditions of the Memorandum of Understanding (MOU).
- (c) If the employee and the attorney are unable to establish a mutually acceptable time for the interview, the attorney will be referred to the employee's supervisor.
 - The supervisor will take the necessary steps to schedule the interview, such as authorizing overtime.
- (d) If employees are unable to contact the defense attorney by telephone, an interview time suitable to employees and their supervisor will be selected.
 - Employees will complete the second portion of the [Letter of Confirmation Form 80-221DA](#).
 - The form will be placed in an addressed envelope and forwarded to the Information Desk for mailing within one working day after the employee has attempted to contact the attorney's office.

(2) Appropriate Times to Schedule Defense Interviews

- (a) Employees assigned to Shift I and Shift II will schedule the interviews between the hours of 0800 and 1800, Monday through Friday, during their regular work hours.
- (b) Employees assigned to Shift III will also schedule interviews between 0800 and 1800 hours at a mutually agreed upon time and location.
- (c) Overtime for Shift I and Shift II employees will be authorized **only** when the employee's supervisor approves overtime scheduling **prior** to the interview and **only** when the interview cannot be scheduled on duty.

(3) [Letter of Confirmation Form 80-221DA](#)

- (a) Within one working day after scheduling the interview, employees will prepare and email a Letter of Confirmation form to the attorney.
- (b) Employees will forward a copy of the Letter of Confirmation form to the City Prosecutor's Office through inter-Department mail or by email.
 - Employees will provide a copy to their supervisor.

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6. A. (4) Cancellation of the Interview

- (a) If the defense attorney cancels the interview, the interview will be rescheduled following the procedures in sections 6.A.(1) through 6.A.(3) of this order.
- (b) If an employee must cancel an interview, the employee or the supervisor will contact the defense attorney's office as soon as possible to reschedule the interview.

(5) Audio Recording Interviews

- (a) Employees may audio record interviews at their discretion.
- (b) If an employee decides to record the interview, it will be their responsibility to obtain an audio recorder (employees will not provide an audio recorder for the defense attorney).
- (c) Employees will indicate on the Defense Interview Form 80-221D whether or not the interview was audio recorded.

(6) Defense Interview Form 80-221D

- (a) The top portion of the Defense Interview form will be properly completed at the time of the interview.
- (b) Employees are expected to comply with directions printed on the middle portion of the form.
- (c) Upon conclusion of the interview, employees will complete the bottom portion of the Defense Interview form.
 - If the interview was recorded, the case number and the defendant's full name will be recorded on the audio.
 - The Defense Interview form and the audio recording will be placed in an envelope with the case number and the defendant's full name written on the front.
 - The envelope will be forwarded to the City Prosecutor's Office through inter-departmental mail.
 - Employees will provide a copy of the Defense Interview form to their supervisor.
- (d) If the defense attorney fails to attend the interview within 15 minutes of the scheduled time, employees will document this fact on the bottom portion of the Defense Interview form and forward the form to the City Prosecutor's Office.

B. Cases Under Jurisdiction of the County Attorney, Attorney General, or U.S. Attorney

- (1) Defense interviews involving cases under the jurisdiction of the County Attorney, Attorney General, or U.S. Attorney will be scheduled with the assistance of the prosecutor assigned to the case.
 - (a) The prosecutor will normally attend the interview.
 - (b) The prosecutor will be allowed to set the date, time, and location of the interview with consideration given to the employee's work hours and days off.
- (2) For cases under the jurisdiction of the County Attorney, employees may contact the prosecutor assigned to the case for assistance.
 - The name of the specific prosecutor can be obtained by calling the County Attorney's Office at 602-506-3411.

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6. B. (3) Employees will provide advance notification of interviews to their supervisor for information and scheduling purposes.

7. **OTHER INTERVIEWS AND DEPOSITIONS**

A. Interviews

- (1) The granting of interviews with attorneys involved in civil litigation, or insurance investigations, will be at the discretion of individual employees when requests for information are received other than by lawful subpoena.
- (2) When the City is a defendant in civil litigation, employees will coordinate all interviews regarding the case with the City Attorney's Office.
- (3) Interviews not involving the City as a defendant will be scheduled in accordance with section 6.A. (1) of this order.

B. Depositions

- (1) When an employee receives a subpoena to be present at any type of deposition, the employee will appear as directed by the subpoena.
- (2) If a conflict exists (training, vacation, etc.), the deposition may be rescheduled if involved attorneys agree.
- (3) If the deposition cannot be rescheduled, the employee will appear as directed.

8. **BRADY DISCLOSURE PROCEDURES** - Brady v. Maryland and a series of court decisions that require prosecutors to inform a defendant of potentially exculpatory information, including any conduct or information that concerns the credibility of an employee's testimony.

- A. Potential Brady disclosure material may deal with issues of honesty, integrity, bias, and/or moral turpitude.

- B. It is the responsibility of all Department employees who may be potential witnesses to notify the prosecutor immediately of their status, if:

- The Department and/or the Maricopa County Attorney's Office have notified an employee that they have had material from the employee's file sent over for review as to whether their names should be added to the Law Enforcement Integrity Database (LEID).
- * This notification will be made unless the Maricopa County Attorney's Office has notified the employee of the results of their file review and they are not on the LEID.
- The employee is aware of potential exculpatory information that the Department is not.
- This notification will be made upon a request for court appearance, testimony, or interview by a prosecutor's office which includes Federal, State, County and/or Municipal courts.
- Notification made to an employee may include but is not limited to telephone, letter, subpoena, and other written or electronic communication.

- C. Failure to comply with the aforementioned notification may result in disciplinary action (see [Operations Order 2.1.00, Discipline Policy and Review Boards](#) for more information).

- D. Employees should be aware the Department may forward allegations or other types of information to a prosecutor that is not necessarily covered under these requirements.

- E. Employees with questions about Brady disclosure procedures who are aware of potential exculpatory information that the Department is not aware of may contact the Legal Unit for advice.

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